

District III Advisory Board Minutes
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February 11, 2004
7:00 p.m.

Colvin Neighborhood City Hall
2820 S. Roosevelt

The District III Advisory Board meeting was held at 7:00 p.m. at the Colvin Neighborhood City Hall at 2820 S. Roosevelt. The District III City Council member, Phil Lambke and eight (8) District Advisory Board members were in attendance. Six (6) City staff were present and approximately thirty-five (32) members of the public, most of whom signed in.

Members Present

John Kemp
Jim Gulick
William Ward
Joann Hartig
Laura Simpson
Phyllis Hall
Charlotte Foster
Judy Dillard
CM Phil Lambke

Members Absent

Matt Foley

Staff Present

Vicki Mork
Officer L. Rollins
Officer K. Connor
Officer S. Jerrell
Dale Miller
Mark Bradshaw

Guests

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ORDER OF BUSINESS

Call to Order

Council Member Lambke called the meeting to order at 7:03 pm.

Approval of Minutes

Minutes for January 7, 2004 were approved unanimous 8-0. Motion made by Kemp (Dillard).

Action: Received and filed.

Public Agenda

1. Agenda Item

Jim Skelton 5903 E. Skinner reported on a meeting held in November 2003 regarding flooding issues relevant to District III. He was disappointed with the recent

Council vote on the Capital Improvement Projects. He proposed the development of a task force through Wichita Independent Neighborhood to keep the momentum going. He introduced Bob Wine, Treasurer with WIN. Skelton suggests that WIN serve as the facilitator to explore the current status and plot future advancement of resolution of the flooding issues. WIN wants to be consistent throughout educational process and has citywide exposure which is important as the issue of storm water drainage is not limited to just District III.

Kemp asked if the DAB's could organize regarding this issue but **Dillard** explained the City attorney wouldn't permit formation of DAB sub committee. DAB members can participate on this issue as a private citizen.

Foster asked for clarification of Council action yesterday. **Lambke** explained projects in the first 2 years of the ten-year CIP are funded but as each project is slated for implementation they will be brought back before the appropriate DAB. He stated he voted against it and is concerned about the River corridor project with a price tag of \$15 million. The project includes money for an amphitheatre, funds to buy an old KGE building, in conjunction with lighting, landscaping and a walkway. CM Lambke feels the funding for these amenities would more than cover all of the flooding projects deferred to later years of the plan. He says this indicates the matter of priorities reflected by the Council and he's only one vote. **Lambke** asked if DAB III would endorse Jim's suggestion and they agreed.

Recommended Action: Kemp (Gulick) moved that DAB III endorse Jim Skelton's plan to form a task force in conjunction with WIN regarding CIP projects, funding and priorities. Motion carried 8-0.

2. Off-agenda items

There were no issues of concern addressed.

Staff Presentations

3. Community Police Report

Officer Steve Jerrell, Beat 33 introduced himself as the new CP Officer beat coordinator.

Officer Connor, Beat 36 reported nothing major has been happening in his beat.

Officer Rollins is giving a heads up on auto larcenies and auto thefts in her beat. These crimes are very preventable; cars are being stolen while warming up. One way to prevent auto larcenies, which is defined as theft from cars that were broken into or left unlocked, is to lock your car, park it in the garage or park near your house. Rollins urged everyone to call 911 if you see anything suspicious. South Patrol Community Policing has recently moved to 539 S. Water with another move planned in the future.

Recommended Action: Receive and file.

4. Environmental Health

Mark Bradshaw presented information on proposed changes regarding maintenance of domestic animals within the City. Revised codes are for residentially zoned properties. They are aimed at bringing the City and County codes closer together. In many cases the number of animals permitted has been reduced, certain animals have been banned entirely, and people who have animals exceeding the permitted number may apply for a permit. Another change involves the amount of distance required between dog pens or other enclosures for small animals, chicken coops, rabbit cages etc and their neighbors. The runs or pens must be 10' from the neighbors yard. People who let their dogs roam the back yard may still utilize fences on property lines. The old code had no prohibition on roosters, and peacocks. The new prohibits roosters but not hens. Roosters are not required for eggs to be laid and this helps control cock fighting. In the previous code kennels and catteries had to obtain neighbors permission but with the new code, kennels are not allowed in the residential zones and cats in catteries must remain inside and neighbors permission is no longer required. The other big change is the fee increase, residential permits have increased from \$10 to \$20. The main changes are directed towards residential areas.

Foster asked for clarification on how far dog pens had to be from neighbors house and **Bradshaw** explained the dog pen or run must be 10' from the property line. In these cases the pet owner cannot use existing fence on property line and there is no capacity for exceptions. **Hall** asked if butchering animals in city limits was prohibited in the new code and **Bradshaw** explained butchering is not banned but animals have to be killed humanely and the mess cleaned up.

Hartig asked about concerns with fishponds **Bradshaw** said the main concern for fishponds was for ponds in unfenced front yards and law department was examining the issue.

Ellen Querner, 1117 N. Roosevelt, president of Pals Animal Rescue stated her support of the proposed ordinance changes. **Elena Ingle, 3608 Meadowlane** asked about the grandfather clause **Bradshaw** explained the waiver is the approach the department uses.

CM Lambke did not agree to a DAB board vote and recommendation. He objected to voting on something that's liable to be changed. **Kemp** asked if Environmental Health plans to bring it back. **Council Member Lambke** says DAB will get a chance to vote on this later so no vote is need tonight.

Action: None taken

5. Planning Department

ZON2003-00070 and CON2003-00053 Request for Zone change to "LI" Limited Industrial and a Conditional Use for a wrecking/salvage Yard north of MacArthur and east of Broadway (3760 S. Broadway) **Dale Miller, MAPD** began his presentation by explaining this business was under contract with the city to tow impounded vehicles and they needed a place for short-term storage of the vehicles. It is an existing business with a non-conforming zoning designation. The owner desires the existing use conform to the zoning regulations. The planning staff recommends that the request be approved subject to platting and certain conditions.

Greg Ferris, appearing as agent for the applicant explained the business has been in place for a very long time with appropriate City and State licenses. He also stated they have been inspected by the Wichita Fire Department and Kansas Department of Health and Environment. In response to DAB member **Hartig's** question about the presence of ground water contamination, **Ferris** explained they had not been tested but agreed to if it ever became an issue.

Miller explained that the facility wasn't a true salvage yard that cars are not dismantled only stored for the required 90 days of impoundment before being reclaimed or disposed of. DAB members **Dillard** and **Kemp** endorsed the proposed changes.

Action: Dillard (Kemp) moved to approve zone change. Motion passed 8-0.

6. Planning Dept.

CON2003-00051 Conditional Use for extension of the deadline to complete landfill operations as established by CON2002-00037 on property west of K-15 and south of 31st Street South. **Chuck Hill**, agent for the applicant, explained they are seeking the extension of the permit as last year MAPC granted the C& D Landfill a nine-year extension, however the City Council amended it to one year. He contends nothing in their operation has changed. They have exhausted their avenues with KDHE and plan to challenge their unfavorable ruling in court. To date they have received a stay of enforcement, which allows them to continue operation while the litigation is pending in the courts if they can be granted the conditional use permit and proper zoning.

DAB member **Foster** asked about relocation plans, **Hill** replied there is no certain plan. **Foster** also asked if the landfill closed would it be transformed into a park or developed into another type of business, **Hill** replied the park development was contingent upon the city. He also explained that nothing else could be developed upon the site.

Hall, DAB member, was told that the rock crusher would not move to the landfill site. DAB member **Dillard** explained the recent prior denial by the MAPC. She supports construction and demolition landfills recycling materials but opposes the location of this one. **Kemp** explained there is no way to know how long the appeal process will take but he and his neighborhood association remain firmly opposed to the continued operation of this business, they are tired of getting dumped on.

Action : Hall (Dillard) moved the application for extension of the deadline be denied. Motion passed unanimously 8:0.

Board Agenda

7. Updates, Issues and Reports

Dillard referred to construction report sent out by me by email it informed that bids let for Garvey Park came back too high.

Recommended Action: Address each item as appropriate.

Gulick (Ward) motion to adjourn. Kemp thanked K-15 motion to adjourn.

5. Next Meeting

The next regularly scheduled meeting for District Advisory Board III will be March 3, 2004 at Colvin Neighborhood City Hall at 7:00 p.m.

No Action Required

Adjournment

Respectfully Submitted,

Vicki Mork, Neighborhood Assistant

Visitors

Mark Ladd	2818 E. 31 st St. S
Merle & Irma Thorton	2714 Southfork
Bob Berry	3200 S.E. Blvd. #76
Rose Mary Lynch	3200 S. E. Blvd #54
Lois Kuhn	6140 Tiger Rd.
Suzanne Morgon	2132 George Washington Blvd.
Chuck & Brenda Loper	2809 Conamore
Bob Wine	1402 N. Doris Circle
Karin Linenberger	2228 McAdam
Jim Skelton	5903 E. Skinner
Mike Petersen	2608 S. E. Drive
Chuck Hill	2060 E. Tulsa
Tim Harzberger	2734 Conamore
Pat Pickard	2928 Dunham
Dale Harshbarger	2734 Conamore
Dan Harshbarger	2734 Conamore
Greg Ferris	
Bob Hemmy	3227 Longford Ct.
Ellen Querner	1117 N. Roosevelt
Compton E. Heggy	532 S. Roosevelt
Sheri Johnson	727 S. Holyoke
Judy Heggy	532 S. Roosevelt
Alvin Newell	3547 S. Clifton
Jean E. Wikle	3330 Crystal
Bailan Loffson	3430 Crystal
Kerin Smith	2240 S. Crestway
Betty Stickland	1302 Galena
Annetta Mopes	1314 Galena
George Beran	3346 Rutan
Elena Ingle	3608 Meadow Lane